

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julie Hong	Team: Team # 2	CCRB Case #: 200207571	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 11/11/2002 2:30 AM	Location of Incident: § 87(2)(b)	Precinct: 79	18 Mo. SOL 5/11/2004	EO SOL 5/11/2004	
Date/Time CV Reported Mon, 11/11/2002 5:04 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 11/11/2002 5:04 AM		
<b>Complainant/Victim</b>	<b>Type</b>	<b>Home Address</b>			
<b>Subject Officer(s)</b>	<b>Shield</b>	<b>TaxID</b>	<b>Command</b>		
1. POM Keith Chatterton	07323	925067	079 PCT		
<b>Witness Officer(s)</b>	<b>Shield No</b>	<b>Tax No</b>	<b>Cmd Name</b>		
1. POM Jeanmarc Denis	13683	917525	079 PCT		
<b>Officer(s)</b>	<b>Allegation</b>			<b>Investigator Recommendation</b>	
A.POM Keith Chatterton	Abuse: PO Keith Chatterton threatened to arrest and/or issue a summons to § 87(2)(b)				

## Synopsis

On November 11, 2002, § 87(2)(b) called the CCRB to report an incident that happened on the same day. § 87(2)(b) stated that she called the police twice that morning to complain about the loud music coming from her neighbor's apartment. She, however, stated that the two responding officers did not do anything about the noise and alleged that one of the responding officers, PO Chatterton, threatened to issue her a summons and/or arrest her. While PO Chatterton admitted that he did advise an individual, the landlord of § 87(2)(b)'s building, that night that he could be arrested or issued a summons for illegally turning off his tenant's electricity, he maintained that he did not have any interaction with § 87(2)(b) or any other female residents at the location. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

## Summary of Complaint

§ 87(2)(b) was interviewed at the CCRB on November 22, 2002 (enc. 5a-c). On November 11, 2002, at around 1:15AM, § 87(2)(b) was woken up by loud music coming from the apartment below her apartment § 87(2)(b) (M/B, ponytail, 50's). § 87(2)(b) went downstairs and asked her neighbor, § 87(2)(b) (M/B, ponytail, 50's), to turn down the music. When § 87(2)(b) refused to turn it down, § 87(2)(b) went back up to her apartment and called the 79<sup>th</sup> Precinct. When § 87(2)(b) relayed her complaint to the officer who answered the phone, the officer told § 87(2)(b) to call the quality of life (QOL) number, (888) 677-5433, to report the noise.

About 15 minutes after § 87(2)(b) called QOL, two officers responded to the location. § 87(2)(b) met the officers at the building entrance and opened the door for them. She then took the officers to the § 87(2)(b) and pointed out § 87(2)(b) apartment to them. When the officers knocked on § 87(2)(b) door, the music stopped playing, and § 87(2)(b) came out into the hallway. § 87(2)(b) told the officers that § 87(2)(b) is a "stupid, crazy woman" and asked the officers if they heard any music. PO Chatterton, who was identified as one of the two responding officers during the CCRB investigation, said to § 87(2)(b) that he did not hear anything and asked her, "why did [she] call the 79<sup>th</sup> Precinct," telling her that "this is a matter for the landlord, and not the police." PO Chatterton also told § 87(2)(b) to not call back the 79<sup>th</sup> Precinct, and he and his partner left the building.

Soon after the officers left the building, § 87(2)(b) turned the music back up, and § 87(2)(b) called QOL again to report the noise. She then sat by her window and waited for the police to respond. When she heard a car drive up the street, § 87(2)(b) looked out the window and saw that the two same officers who came earlier had come back. § 87(2)(b) yelled from her window that she would come down to open the door, but PO Chatterton yelled back at § 87(2)(b) "No, don't come downstairs!" He then told § 87(2)(b) to "never call the 79<sup>th</sup> Precinct again," and that if she did, "[he] will give her a summons, and put [her] in jail." § 87(2)(b) stated that PO Denis, who was identified as PO Chatterton's partner from a copy of the 79<sup>th</sup> Precinct roll call received in connection to this case, was also standing outside in the street, but he did not make any comment throughout the whole incident. She also stated that there was no one else in the street other than the two officers.

Mediation was offered to § 87(2)(b) and she accepted the mediation. However, when the ADR contacted § 87(2)(b) after PO Chatterton also accepted the mediation to schedule an appointment, she stated that she no longer wished to go through with mediation and asked for a full investigation. § 87(2)(g)

§ 87(2)(g)

## Results of Investigation

### *Civilian Statements*

§ 87(2)(b) stated that her neighbor, § 87(2)(b) witnessed the first half of the incident. § 87(2)(b) stated that § 87(2)(b) lived on the § 87(2)(b) floor of her building but did not know his apartment number. A search of the MetroSearch and the Coles Directory revealed three different listings under § 87(2)(b), but no resident by the name "§ 87(2)(b)" was listed. This investigator called the three residents – § 87(2)(b);

§ 87(2)(b); and § 87(2)(b) – of § 87(2)(b) listed in the available sources, but they were either unavailable or, when contacted, denied knowing “§ 87(2)” or anything about the incident. When asked about the landlord of the building, they stated that their former landlord just recently turned over the building ownership to someone else and that they did not know how to get in touch with their former landlord.

A number of contact letters were subsequently sent to various addresses within § 87(2)(b)'s apartment building without any reply. A field trip was then conducted on April 2, 2003, and then again on June 6, 2003, to § 87(2)(b) to look for “§ 87(2)” and other possible witnesses, and to identify the landlord or the superintendent of the building, with negative results. Both times, contact letters were left at various locations throughout the building, including the § 87(2)(b) floor, which the officers stated was where the landlord lived, without any reply. Furthermore, none of the apartments on the § 87(2)(b) floor showed any indication that it was occupied by the landlord or the superintendent of the building. Thus no witnesses, including the landlord/superintendent of the building, were identified and/or interviewed in connection to this case.

On June 9, 2003, § 87(2)(b) contacted this investigator and stated that § 87(2)(b) received the contact letter that was left for him in the building. According to § 87(2)(b), § 87(2)(b) read the letter and left it at § 87(2)(b)'s door. Later in the day, when § 87(2)(b) went down to § 87(2)(b) apartment to ask him why he had left the letter at her door, § 87(2)(b) started screaming to someone in his apartment, asking him/her to bring him “the fucking shit to pop her head.” § 87(2)(b) stated that she got scared and went back to her apartment.

§ 87(2)(b), § 87(2)(g)

#### *Officer Statements*

##### PO Chatterton

PO Chatterton was interviewed at the CCRB on February 10, 2003 (enc. 7a-7b). On November 11, 2002, PO Chatterton and PO Denis were assigned to Sector ABC. At around 2:50AM that day, they received a 10-50 (noise complaint) at § 87(2)(b) over the radio. When they responded to the location, they saw the landlord of the building (unidentified; male, Black, mid 40's, about 5'5) in the § 87(2)(b) floor hallway of the building. PO Chatterton stated that § 87(2)(b) is a private house and that the landlord lived on the § 87(2)(b) floor. The landlord complained to the officers that his tenant on the § 87(2)(b) floor was playing loud music. He further complained that his tenant had many people constantly coming in and out of the apartment and that they were being loud and using drugs in the apartment. Stating that he did not want “drug addicts” and/or “homosexuals” in his building, he asked the officers to go up to his tenant's apartment and take the tenant and/or his guests out of the apartment.

While the officers were talking with the landlord, the tenant from the § 87(2)(b) floor (unidentified; male, Black) came down to the § 87(2)(b) floor. The tenant told the officers that his landlord shut off the electricity to his apartment. He also explained to the officers that although he did have music on, it was not too loud. PO Chatterton stated that he could not recall whether the tenant's name was “§ 87(2)” and stated that he did not hear any music when he was there. After hearing the tenant, PO Chatterton advised the landlord that what he did was against the law and that he should turn the electricity back on. He further informed the landlord that this issue needed to be settled at the landlord/tenant court. PO Chatterton stated that the officers did not see and/or speak to any female while they were at § 87(2)(b) and that they did not know of any § 87(2)(b). PO Chatterton stated that he and his partner eventually left the location when the landlord turned the electricity back on.

Then at approximately 3:35AM, PO Chatterton and PO Denis received another noise complaint (10-50) at § 87(2)(b). PO Chatterton remarked that this call should have been a tenant/landlord dispute and did not know why it came across as a noise complaint. When they responded to the location, the tenant met the officers in front of the building and told the officers that he called for police assistance because his landlord shut the electricity back off when the officers left earlier that night. He then let the officers into the vestibule area of the building, where the officers saw the landlord. At this time, PO Chatterton advised the landlord that “if [the landlord] continued to unlawfully turn off the electricity, he would be arrested or issued a summons.” PO Chatterton, however, stated that he did not state to the landlord, or anyone else, that day that “if [the landlord] calls the 79<sup>th</sup> Precinct again, [he] would be arrested or issued a summons.”

PO Chatterton stated that he told the landlord to turn the electricity back on and warned him that he could be arrested or issued a summons if he did not comply, and the landlord became upset and started yelling and cursing at the officers and the tenant. When asked if the officers saw or spoke to any female the second time they responded to the location, PO Chatterton stated that he never saw or spoke with any female that day. He further stated that the only people he interacted with in the building were the tenant and the landlord, and that neither of them was a female. After arguing for about 3-4 minutes with the landlord, the officers left the location.

PO Chatterton stated that he and PO Denis then received another noise complaint (10-50) at the same location at around 5AM, but he could not remember who the complainant was this time. PO Chatterton did not remember much about the third time he and PO Denis responded to the location, but stated that the call was involving the same people and the same problems. PO Chatterton stated that he again advised the landlord that "if [the officers] got another call from them about the same issue, then [the landlord] would either be arrested or issued a summons." PO Chatterton further stated that he and PO Denis did not speak with anyone else the third time they responded, and that they did not see any female at the location.

#### PO Denis

PO Denis was interviewed at the CCRB on February 10, 2003 (enc. 9a-b). On November 11, 2002, PO Denis and PO Chatterton were assigned to sectors ABC. At approximately 2:50AM that day, PO Denis and PO Chatterton received a noise complaint (10-50) at § 87(2)(b) Brooklyn, over the radio. Upon arrival, the officers met the complainant, the landlord of the building. PO Denis did not remember the landlord's name but stated that he lived on the § 87(2)(b) floor of the building and was a Black male, 5'8 tall, thin-built, and in his late 40's. He stated that the landlord complained to the officers that his tenant on the § 87(2)(b) floor was not paying his rent and was inviting drug addicts into the building. When asked if the landlord ever complained to the officers about loud music, PO Denis stated that he did not. PO Denis could not recall what the landlord wanted the officers to do; he remembered the landlord telling the officers that he did not want the tenant's visitors in his building, but PO Denis did not think that the landlord ever asked the officers to escort the tenant or his guests out of the building. PO Denis further remembered that the landlord mentioned that his tenant "is a homosexual," and that he "did not approve that kind of lifestyle."

While the officers were talking with the landlord, the tenant from the § 87(2)(b) floor came down to the § 87(2)(b) floor and told the officers that the landlord had turned off his electricity. Hearing this, the officers told the landlord to turn the electricity back on and that it is illegal to shut off the electricity. They also advised the landlord and the tenant that their dispute should be settled in civil court, and the landlord eventually turned the electricity back on. PO Denis stated that he did not know the tenant's name but described him as a Black male with dreads, 5'9, in his mid 30's. When asked, PO Denis stated that the officers did not have any interaction with any female that night and that he has never heard of a § 87(2)(b).

Later that night, at around 3:30AM, the officers received another noise complaint from the same location. This time, however, the complainant was the tenant, and not the landlord. When the officers responded to the location, the tenant told the officers that the landlord was sitting in front of his door and not letting anyone into his apartment. PO Denis, however, could not remember whether the tenant complained to the officers this time that the landlord had turned off the electricity again. The officers went into the building and told the landlord that "[he] should not harass [his tenant]." PO Denis stated that the landlord was being stubborn and "wanted things his way." At this time, PO Chatterton explained to the landlord that what he was doing was illegal and that if he did not comply with the officers' orders, then the officers would have to arrest him or issue him a summons. PO Denis also claimed that the landlord was by himself and that the officers did not see any female the second time they were at the location. He stated that the landlord was hostile and that he was yelling at the tenant and the officers.

At around 4:50AM, PO Chatterton and PO Denis received a third call for the same location. PO Denis stated that the call came over as a noise complaint but could not remember who the complainant was. When they responded to the location, PO Chatterton again told the landlord that he could not turn off the electricity and/or sit in front of the tenant's door, and that if he did not comply, he would be arrested or issued a summons. PO Denis could not remember much about the third time they responded to the location, but he was certain that he and PO Chatterton only spoke with the tenant and the landlord, and not

to any female. PO Denis stated that he did not know and/or has never spoken with any elderly lady with a thick foreign accent at this location.

#### *Police Documents*

##### *Communications Records:*

On November 11, 2002, at 2:45AM, 79A (PO Chatterton and PO Denis) received a 10-50 (loud music) at § 87(2)(b) floor. At 3:02AM, 79A returned the job as 10-91 (Non-Crime Corrected). At 3:25AM, 79A received another 10-50 (loud music) at § 87(2)(b) coming from the § 87(2)(b) floor, which 79A returned at 3:33AM as 10-91 (non-crime corrected). Then at 4:45AM, 79A received another 10-50 (loud music). 79A returned the job at 4:57AM as 10-91(non-crime corrected).

Sprint records indicates that a female caller made all three noise complaints. It also shows that when the female caller called for the third time, she stated that “[her neighbor] turns the music down when the police arrives, but then turns it back up when the officers leave.”

##### *PO Chatterton and PO Denis’ Memo Book Entries:*

2:50AM: 10-50 (noise) at § 87(2)(b)

3:03AM: 10-91 (Settled the dispute)

3:34AM: 10-50 (noise) at § 87(2)(b)

3:36AM: 10-91

5:00AM: 10-50 noise at § 87(2)(b)

5:15AM: 10-95 (settled the dispute)

##### *Subject Officer CCRB History*

PO Keith Chatterton does not have any substantiated allegations in his CCRB history.

##### *Civilian Criminal Conviction History*

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Conclusions and Recommendations**

#### *Officer Identification*

Although § 87(2)(b) could not identify the two officers who responded to her noise complaints by their names, she was able to provide a detailed physical description of both officers. A copy of roll call from the 79<sup>th</sup> Precinct and the Sprint received in connection to this case indicated that 79A, PO Chatterton and PO Denis, was the unit that responded to all three noise complaints that originated from § 87(2)(b) § 87(2)(b) s residence, and the only unit in which a Black male officer and a White male officer were paired together. PO Chatterton and PO Denis, who also closely matched the physical description provided by § 87(2)(b) were thus identified as the subject officers.

#### *Undisputed Facts*

§ 87(2)(g) § 87(2)(b) stated that she called the quality of life twice to report loud music coming from her neighbor’s apartment. She also stated that the two responding officers, PO Chatterton and PO Denis, did not do anything both times to stop the noise and further alleged that PO Chatterton threatened to issue her a summons or arrest her if she ever called the 79<sup>th</sup> Precinct again. The officers, on the other hand, stated that although they responded to three calls of noise complaints (10-51) at § 87(2)(b) that night, all three jobs turned out to be landlord/tenant disputes rather than noise complaints. They maintained that they only interacted with the landlord of the building and one of his tenants, both males, and that they did not see or speak with § 87(2)(b) or any other females at the location. Furthermore, PO Chatterton, corroborated by PO Denis, stated that although he did advise the landlord that he could be arrested or issued a summons if he did not turn on his tenant’s electricity, he did not threaten anyone, including the landlord, that s/he would be arrested or issued a summons if s/he ever called their precinct again.

### *Credibility Assessment*

§ 87(2)(b), § 87(2)(g)

the sprint record received in connection to this case indicates that a female caller from § 87(2)(b) whose phone number matched that of § 87(2)(b) made all three noise complaints that night. The sprint also shows that the female caller stated to the quality of life operator that “[her neighbor] turns the music down when the police arrives but turns it back up when the officers leave,” § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

. When asked to describe him or provide his contact information, § 87(2)(b) only stated that he lives on the § 87(2)(b) floor of her building – she claimed she did not know which apartment – and that she only knew him as “§ 87(2)(b)” which she remarked might not even be his real name. This investigator found no residents by the name “§ 87(2)(b)” at the location, and the contact letters mailed and left at the location for “§ 87(2)(b)” were never answered. In addition, § 87(2)(b) initially accepted the mediation offer but subsequently rejected it after the case was approved for mediation and also accepted by PO Chatterton. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

PO Chatterton and PO Denis § 87(2)(g) provided matching descriptions of the landlord and the tenant with whom they claimed they had interaction at § 87(2)(b). Both officers also strongly maintained that they did not see or interact with any females that night and that they only talked with the landlord of the building, who was unhappy with his tenant’s sexual orientation and his loud guests, and with the tenant, who complained that his landlord was harassing him.

§ 87(2)(b), § 87(2)(g)

Both officers, however, denied that PO Chatterton had ever warned anyone about calling the 79<sup>th</sup> Precinct again and threatened anyone, including § 87(2)(b) with a summons or arrest.

§ 87(2)(g)

. While PO Chatterton stated that the landlord first called the police to complain about the loud noise coming from his tenant’s apartment and to ask the officers to evict the tenant from his building, PO Denis stated that the landlord did not make any noise complaints but only complained that he was not happy with his tenant and wanted him to leave. PO Chatterton also stated that when they responded to the location for the second time, the tenant complained to the officers that the landlord had illegally turned off his electricity. PO Denis, on the other hand, did not remember whether the tenant complained about the electricity but stated that the tenant only complained that the landlord was guarding his door and not letting his guests into his apartment.

**A) PO Keith Chatterton threatened to arrest and/or issue a summons to § 87(2)(b)**

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

The officers denied ever interacting with § 87(2)(b) but stated that they only saw and spoke with two male individuals. § 87(2)(b), § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: